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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-12-13**

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IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

FortisBC Energy Inc.
Customer Choice Program 2012 Annual General Meeting
Licence Requirements and Application Instructions,
Dispute Guidelines and Fifth Annual General Meeting

BEFORE: L.F. Kelsey, Commissioner October 18, 2013
 D.A. Cote, Commissioner

O R D E R

WHEREAS:

- A. FortisBC Energy Inc. (FEI) obtained a Certificate of Public Convenience and Necessity (CPCN) on August 14, 2006 for the Commodity Unbundling Project for Residential Customers (Customer Choice) in accordance with the government's 2002 energy policy which would allow for the direct sale of natural gas to residential and small volume commercial customers through gas marketing companies licensed by the BC Utilities Commission (Commission);
- B. Article 34 of the Code of Conduct for Gas Marketers requires the Commission to hold an Annual General Meeting to discuss program improvements or enhancements;
- C. On June 21, 2012, the Commission issued Order A-10-12 which outlined a streamlined regulatory process to provide for FEI to file a report on the issues that would otherwise be addressed in an Annual General Meeting;
- D. On May 14, 2013, Commission staff solicited feedback from all gas marketers and other interested parties on topics for inclusion in the Customer Choice 2012 Annual Report;
- E. Through written submissions, Direct Energy, British Columbia Pensioners' and Seniors' Organization *et al* (BCPSO), FEI, Just Energy, Summitt Energy and Commission staff raised issues to be addressed in FEI's Annual Report;

- F. On June 28, 2013 FEI filed a Customer Choice 2012 Annual Report that provided a program overview, outlined the revised dispute process, summarized the topics and discussion held at the fourth Annual General Meeting and the resulting Commission Order A-10-12, and addressed the topics raised by stakeholders;
- G. By letter on July 12, 2013, Commission staff canvassed the Gas Marketers and other interested parties on whether any of the topics raised in the Annual Report warranted further discussion, and if so, whether those topics could be addressed via a written process or if an in-person meeting was warranted;
- H. In written submissions dated July 24, 2013 and July 25, 2013 respectively, Direct Energy and Just Energy submitted that a meeting was warranted. By letter dated July 26, 2013, BCPSO supported a meeting but would be supportive of a written process. By letter dated July 26, 2013, FEI submitted that a written process would be sufficient;
- I. On July 25 and again on September 26, 2013, Just Energy requested an update on the Customer Choice percentages and types of contracts that have been opted for in 2013 as well as an update on the Pay As You Save pilot including when the Commission and FEI believe it would be appropriate to convene a Pay As You Save working group;
- J. On July 26 and again on September 27, 2013, BCPSO suggested discussion of reduction or elimination of non-Customer Choice Program ratepayers' contribution to the Customer Education Plan;
- K. On September 9, 2013, Commission staff proposed a process to finalize the 2012 Annual General Meeting proceeding and requested comments from interested parties on the:
- process to finalize the proceeding;
 - changes to the Dispute Guidelines and Licence Requirements and Application Instructions; and
 - General Meeting agenda and preferred date and time;
- L. Direct Energy, BCPSO, Just Energy and FEI submitted comments raising no concerns on the proposals outlined above; and
- M. The Commission has reviewed the submissions and finds that the proposed changes to the Licence Requirements and Application Instructions and the Dispute Guidelines as well as establishment of an in-person Annual General Meeting are warranted.

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NOW THEREFORE pursuant to section 71.1 of the *Utilities Commission Act*, the Commission orders as follows:

1. The Rules for Gas Marketers attached as Appendix A to this Order are effective November 1, 2013 and include the following modifications:
 - Revised Licence Requirements and Application Instructions (attachment 1)
 - Terms for a Parental Guarantee (attachment 3).
2. Effective November 1, 2013 all gas marketers must be fully compliant with the revised Customer Choice Dispute Guidelines attached as Appendix B to this Order.
3. The new issues raised for discussion following the release of the Annual Report, outlined in Recitals H and I of this Order, are out of scope of this proceeding.
4. The fifth Annual General Meeting for the Customer Choice program will be held in Vancouver, BC on November 14, 2013. The Meeting will be facilitated by Commission staff and a transcript will be made publically available following the meeting. As participants of this proceeding BCPSO, FEI and all gas marketers are invited to attend. Appendix C to this Order describes meeting details and agenda. Attendees must confirm their attendance by email to Customer.Choice@bcuc.com by November 1, 2013.

DATED at the City of Vancouver, in the Province of British Columbia, this 18th day of October, 2013.

BY ORDER

Original Signed By:

D.A. Cote
Commissioner

Attachments